

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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TATIANA HERDOCIA and ENA SCOTT,

Plaintiffs,

-against-

SOUTHERN GLAZER’S WINE & SPIRITS, formerly
known as SOUTHERN WINE & SPIRITS OF
AMERICA, INC., WINE, LIQUOR & DISTILLERY
WORKERS UNION, LOCAL 1D,

Defendants.

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AZRACK, United States District Judge:

For Online Publication Only

ORDER
18-CV-5284 (JMA)(ARL)

**FILED
CLERK**

7/22/2022 11:56 am

**U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE**

Before the Court are objections submitted by Plaintiffs to Magistrate Judge Arlene R. Lindsay’s Report and Recommendation (hereafter “R&R”) recommending that the Court grant Defendants’ motion to dismiss Plaintiffs’ amended complaint. (ECF No. 46.) Plaintiffs filed timely objections to the R&R, (ECF No. 49, “Pls’ Obj.”), and Defendant Southern Glazer’s Wine & Spirits (“Southern Glazer’s”) timely responded to Plaintiffs’ objections, (ECF No. 50, “Def’s Opp.”)¹ After conducting a review of the full record (including the motion papers, R&R, and objections), and applicable law, the Court adopts Magistrate Judge Lindsay’s R&R in its entirety as the opinion of the Court.

In reviewing a magistrate judge’s report and recommendation on a dispositive motion, a court must “make a de novo determination of those portions of the report or . . . recommendations to which objection[s] [are] made.” 28 U.S.C. § 636(b)(1)(C); see also Brown v. Ebert, No. 5-CV-5579, 2006 WL 3851152, at *2 (S.D.N.Y. Dec. 29, 2006). Even for dispositive motions, the portions of a report and

¹ Defendant Wine, Liquor & Distillery Workers Union, Local 1-D (the “Local 1-D”) did not submit a response to Plaintiffs’ objections.

recommendation to which there is no specific reasoned objection are reviewed for clear error. See Pall Corp. v. Entegris, Inc., 249 F.R.D. 48, 51 (E.D.N.Y. 2008).

The Court finds no clear error in the portions of Magistrate Judge Lindsay's R&R to which there are no objections. Next, the Court turns to the portions of the R&R to which Plaintiffs have objected. Plaintiffs insist that, inter alia, their claims are not barred by res judicata and that their amended complaint adequately pleads a retaliation claim. Regarding Plaintiffs' objections to portions of the R&R, the Court has undertaken a de novo review of the full record and the applicable law, the Court agrees with Magistrate Judge Lindsay's R&R.

For the foregoing reasons, the Court affirms and adopts the well-reasoned R&R in its entirety as the opinion of the Court. Defendants' motion to dismiss is GRANTED. The Clerk is directed to close this case.

SO ORDERED.

Dated: July 22, 2022
Central Islip, New York

/s/ (JMA)
JOAN M. AZRACK
UNITED STATES DISTRICT JUDGE